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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,328	11/21/2003	Roger W. Hewett	9858-000361	2617
28997	7590	11/10/2004	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/719,328

Applicant(s)

HEWETT ET AL.

Examiner

Quang T Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/21/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-7, 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hypertherm-HD4070 Mechanized system ([WWW.hypertherm.com/mech\\_systems/hd4070.htm](http://WWW.hypertherm.com/mech_systems/hd4070.htm)). Hypertherm-HD4070 Mechanized system discloses a hydefinition plasma cutting system including parts adapted for use at different operating parameter values (table in page 4), each part in the series having a color indicia formed on the part with a different color identifying the particular value of the operating parameter at which the part is adapted to operate (page 2). With regard to claim 18, the term “for laser cutting torches” is considered as an intended use and no patentable weight is given to the term.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hypertherm-HD4070 Mechanized system

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([WWW.hypertherm.com/mech\\_systems/hd4070.htm](http://WWW.hypertherm.com/mech_systems/hd4070.htm)) in view of Vargo (US 3,910,412).

Hypertherm-HD4070 Mechanized system discloses substantially all features of the claimed invention except the color indicia for the replacement parts is based on use with a specific manufacturer. Vargo discloses color indicia for the replacement parts is based on use with a specific manufacturer (col. 5, lines 50-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Hypertherm-HD4070 Mechanized system color indicia for the replacement parts is based on use with a specific manufacturer as taught by Vargo in order to easy identify parts from different manufacturer. With regard to the term "blue for Miller, red for Lincoln, yellow for EASB, orange for Hypertherm and black for Thermal Dynamics". It would have been obvious to one having ordinary skill in the art to use different color for different manufacturer in order to easy identify parts from different manufacturer. With regard to claims 8 and 10, "the marking is selected from a group consisting of MS for mild steel, AL for aluminum, SS for stainless steel, and GP for general purpose". It would have been obvious to one having ordinary skill in the art to mark MS for mild steel, AL for aluminum, SS for stainless steel, and GP for general purpose. Doing so would identify material of the parts.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Howard (US 3,804,238) discloses a display case for sabre saw blades. Klasson (US 4,194,107) discloses a welding tip.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV  
November 1, 2004



Quang T Van  
Primary Examiner  
Art Unit 3742